

AMENDED IN SENATE JULY 15, 2010

AMENDED IN SENATE JUNE 21, 2010

AMENDED IN ASSEMBLY APRIL 26, 2010

AMENDED IN ASSEMBLY APRIL 8, 2010

CALIFORNIA LEGISLATURE—2009–10 REGULAR SESSION

ASSEMBLY BILL

No. 2329

Introduced by Assembly Members Ruskin and Chesbro

February 19, 2010

An act to amend Section 12891 of the Government Code, to add Division 25.7 (commencing with Section 38600) to the Health and Safety Code, and to add Part 5 (commencing with Section 71400) to Division 34 of the Public Resources Code, relating to environmental protection.

LEGISLATIVE COUNSEL'S DIGEST

AB 2329, as amended, Ruskin. Environmental protection: greenhouse gas emissions: Climate Action Team.

The California Global Warming Solutions Act of 2006 requires the State Air Resources Board (state board) to adopt regulations to require the reporting and verification of emissions of greenhouse gases and to monitor and enforce compliance with the reporting and verification program, and requires the state board to adopt a statewide greenhouse gas (GHG) emissions limit equivalent to the statewide GHG emissions levels in 1990, to be achieved by 2020. The act requires the state board to adopt rules and regulations in an open public process to achieve the maximum technologically feasible and cost-effective GHG emission

reductions. The act requires all state agencies to consider and implement strategies to reduce their GHG emissions.

This bill would create the Climate Action Team (CAT), under the direction of the Secretary for Environmental Protection and consisting of representatives from specified state agencies, that would be responsible for coordinating the state's overall climate policy, identifying and reviewing activities and funding programs, recommending policies, investment strategies, and priorities, and providing information to local governments and regional agencies. The bill would require the Natural Resources Agency, by June 1, 2012, in coordination with other state agencies, to prepare and submit to the ~~Governor~~ *Climate Action Team* the California Climate Vulnerability and Adaptation Plan that would provide for the protection of California's natural resources, public health, infrastructure, and economic vitality from the ongoing and expected impacts of climate change. *The bill would require the Natural Resources Agency to take certain actions before submitting the plan and to utilize and update a specified Web site.* The bill would require the Natural Resources Agency, in coordination with *the Climate Action Team and other* state agencies and departments, to review and revise the California Climate Vulnerability and Adaptation Plan on a triennial basis to incorporate new information regarding impacts of climate change.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 12891 of the Government Code is
- 2 amended to read:
- 3 12891. For purposes of this chapter, the following terms have
- 4 the following meanings:
- 5 (a) "Agency" means the California Environmental Protection
- 6 Agency.
- 7 (b) "Climate Action Team" means the Climate Action Team
- 8 established pursuant to Section 71402 of the Public Resources
- 9 Code.
- 10 (c) "GHG" means greenhouse gas as defined in subdivision
- 11 (g) of Section 38505 of the Health and Safety Code.
- 12 (d) "GHG emission reduction target" means a requirement
- 13 made applicable to a state agency by an action taken by the State

1 Air Resources Board pursuant to Division 25.5 (commencing with
2 Section 38500) of the Health and Safety Code.

3 (e) “Secretary” means the Secretary for Environmental
4 Protection.

5 (f) “Sector” means an industrial, resources, or administrative
6 domain that should be addressed as an integrated whole for the
7 purposes of climate change planning.

8 (g) “State agency” means a member of the Climate Action Team,
9 a state office, department, division, bureau, board, or commission
10 whose operations or programs result in greenhouse gas emissions
11 that are subject to Division 25.5 (commencing with Section 38500)
12 of the Health and Safety Code, and any other state agency, as
13 determined by the secretary.

14 SEC. 2. Division 25.7 (commencing with Section 38600) is
15 added to the Health and Safety Code, to read:

16
17 DIVISION 25.7. CALIFORNIA CLIMATE VULNERABILITY
18 AND ADAPTATION PLAN OF 2010
19

20 38600. This division shall be known, and may be cited, as the
21 California Climate Vulnerability and Adaptation Plan of 2010.

22 38601. (a) (1) On or before June 1, 2012, the Natural
23 Resources Agency shall, in coordination with other state agencies,
24 prepare and submit to the ~~Governor~~ *Climate Action Team*, a
25 statewide California Climate Vulnerability and Adaptation Plan
26 that provides for the protection of California’s natural resources,
27 public health, infrastructure, and economic vitality from the
28 ongoing and expected impacts of climate change.

29 (2) *The Natural Resources Agency shall hold a duly noticed*
30 *public meeting of the proposed California Climate Vulnerability*
31 *and Adaptation Plan of 2010, for the purposes of soliciting*
32 *comments from the public, before approving the plan and*
33 *submitting the plan to the Climate Action Team.*

34 (b) The plan shall be developed to include the scope, elements,
35 and policy recommendations from the 2009 California Climate
36 Adaptation Strategy developed and adopted by the Natural
37 Resources Agency as directed by Executive Order No. S-13-08,
38 including other refinements to those recommendations.

39 (c) The plan shall assess progress on strategies identified in the
40 2009 California Climate Adaptation Strategy, and identify and

1 prioritize existing and future needed research, policies, planning,
2 best management practices, and other actions required for the state
3 to continue to adapt to the ongoing and expected impacts associated
4 with climate change, including both of the following elements:

5 (1) Guidelines for integrating and updating existing and new
6 state adaptation policies that could also be utilized by local,
7 regional, and federal adaptation policies, plans, programs, and
8 projects, including the California State Wildlife Action Plan and
9 California Landscape Conservation Cooperatives.

10 (2) Guidelines for effective coordination among state agencies
11 to develop and implement effective cross-sector strategies and
12 actions.

13 (d) The plan shall be based on the best available science.

14 (e) The plan shall identify strategies that protect, conserve,
15 restore, utilize, enhance, or mimic natural processes and functions.

16 (f) ~~The plan with~~ *Natural Resources Agency shall* utilize and
17 update the CalAdapt Internet Web site to show climate change
18 impacts to California and provide all California residents with an
19 opportunity to visualize how specific climate impacts can impact
20 their community, assess which research was utilized to show those
21 impacts, and make determinations of appropriate actions to reduce
22 identified climate impacts.

23 (g) The Natural Resources Agency, in coordination with ~~other~~
24 ~~partner~~ *the Climate Action Team, and other* state agencies and
25 departments, shall review and revise the plan every three years to
26 incorporate new information regarding the impacts of climate
27 change on natural resources, public health, infrastructure, and
28 economic vitality, as well as to incorporate new strategies to
29 address adaptation, including strategies that increase resiliency,
30 to those impacts.

31 (h) The plan shall also serve as the state's climate change
32 adaptation planning document required by any federal law that
33 makes federal funding contingent upon a statewide adaptation
34 plan, *if the plan complies with that federal law*.

35 (i) The Natural Resources Agency, consistent with the ~~provision~~
36 *provisions* of this division and the plan, ~~shall~~ *may* do both of the
37 following:

38 ~~(1) Receive federal and state funds for statewide planning and~~
39 ~~implementation of the statewide plan including any federal funds~~
40 ~~made available to the state from a federal climate change policy.~~

1 (1) *Receive federal and state funds for preparing the plan,*
2 *including any federal funds made available to the agency for that*
3 *purpose.*

4 (2) Conduct research related to the state's need to understand
5 and address the ongoing and expected impacts of climate change
6 on ~~our~~ the state's natural resources.

7 SEC. 3. Part 5 (commencing with Section 71400) is added to
8 Division 34 of the Public Resources Code, to read:

9
10 PART 5. STATE CLIMATE CHANGE ACTION TEAM ACT
11 OF 2010
12

13 71400. This part shall be known as the State Climate Change
14 Action Team Act of 2010.

15 71401. The Legislature finds and declares all of the following:

16 (a) California is a world leader in efforts to reduce greenhouse
17 gases, to assess, adapt to, and mitigate the effects of climate
18 change, and to promote clean alternative technologies to improve
19 the state's economy and to protect public health and the
20 environment.

21 (b) The California Global Warming Solutions Act of 2006
22 (Division 25.5 (commencing with Section 38500) of the Health
23 and Safety Code) provides a process for the establishment of a
24 statewide greenhouse gas emission limit and a process for the
25 adoption of regulations to achieve the maximum technologically
26 feasible and cost-effective greenhouse gas emission reductions.
27 That act also directs the Climate Action Team to coordinate the
28 overall climate policy as provided in Executive Order No. S-3-05
29 and for all state agencies to consider and implement strategies to
30 reduce their greenhouse gas emissions.

31 (c) California currently invests hundreds of millions of dollars
32 in research funds for air quality, transportation, electricity, natural
33 gas, water, and other types of research, development,
34 demonstration, and deployment projects that could contribute to
35 the achievement of statewide greenhouse gas emission reductions,
36 or to the effective adaptation to unavoidable climate change.

37 (d) More effective coordination of existing programs and
38 funding by the state can improve the achievement of statewide
39 greenhouse gas emission reductions, protect the state's
40 infrastructure, communities, and natural resources from the impacts

1 of climate change, and provide economic and job growth through
2 the development and support of a strong clean technology industry.

3 (e) Due to the global nature of the causes and impacts of climate
4 change, it is imperative for California to consult with other states,
5 the federal government, and other nations to identify the most
6 effective strategies and methods to reduce greenhouse gases, adapt
7 to ongoing and future climate change, coordinate climate change
8 research efforts, and facilitate the development of integrated and
9 cost-effective regional, national, and international climate change
10 programs.

11 (f) Climate change in California during this century is expected
12 to shift precipitation patterns, accelerate sea level rise, and increase
13 temperatures, thereby posing a serious threat to California's
14 economy, to the health and welfare of its population, and to its
15 natural resources.

16 (g) California needs to continue to adapt and build our resiliency
17 to climate changes through a thoughtful and sensible approach
18 with local, regional, state, and federal government using the best
19 available science, as was developed by the Natural Resources
20 Agency, the state's lead agency in climate adaptation.

21 (h) California's water supply and coastal resources, including
22 valuable natural habitat areas, are particularly vulnerable to sea
23 level rise over the next century and could suffer devastating
24 consequences if adaptive measures are not taken. The country's
25 longest continuously operating gauge of sea level at Fort Point in
26 San Francisco Bay, recorded a seven-inch rise in sea level during
27 the 20th century, demonstrating the vulnerability of infrastructure
28 and resources within that bay. Global sea level rise for the 21st
29 century is projected to rise faster than historical levels with the
30 Intergovernmental Panel on Climate Change predicting that global
31 sea levels will rise between seven to 23 inches this century and
32 some experts predicting even higher rises.

33 (i) The State Energy Resources Conservation and Development
34 Commission's Public Interest Energy Research Program has funded
35 research on climate change since 2001 that has provided the
36 foundation for California's climate change impact and adaptation
37 research.

38 71402. (a) The Climate Action Team is hereby established in
39 state government and shall consist of the following members:

1 (1) The Secretary for Environmental Protection, who shall serve
2 as the chairperson of the Climate Action Team, and who shall
3 coordinate oversight of state agencies' efforts made to meet the
4 greenhouse gas emission reduction targets established pursuant to
5 the Global Warming Solutions Act of 2006 (Division 25.5
6 (commencing with Section 38500) of the Health and Safety Code).

7 (2) The Secretary of the Natural Resources Agency.

8 (3) The Chairperson of the State Air Resources Board.

9 (4) The Chairperson of the State Energy Resources Conservation
10 and Development Commission.

11 (5) The President of the Public Utilities Commission.

12 (6) The Secretary of Business, Transportation and Housing.

13 (7) The Secretary of Food and Agriculture.

14 (8) The Secretary of State and Consumer Services.

15 (9) The Secretary of California Health and Human Services.

16 (10) The Director of the Office of Planning and Research.

17 (11) The Secretary for Labor and Workforce Development.

18 (b) Upon the determination of the Secretary for Environmental
19 Protection, ex officio representatives from other state departments
20 may be added to the Climate Action Team as necessary to provide
21 assistance and expertise in particular subject areas.

22 (c) Multiagency staff working groups may be formed by the
23 Climate Action Team to provide technical support for the work of
24 the team in individual sectors. Sectors may include, but are not
25 limited to, agriculture, biodiversity and habitat, forestry, energy,
26 land use, coastal and delta resources, regional and international
27 policy development, state operations, water, and climate change
28 research.

29 71403. Consistent with the California Global Warming
30 Solutions Act of 2006 (Division 25.5 (commencing with Section
31 38500) of the Health and Safety Code) and Executive Order No.
32 S-3-05, the Climate Action Team, under the direction of the
33 Secretary for Environmental Protection, shall coordinate climate
34 policy of the state to achieve all of the following ~~goals~~:

35 (a) The maximum feasible and cost-effective reduction of
36 greenhouse gas emissions through the implementation by the State
37 Air Resources Board of the California Global Warming Solutions
38 Act of 2006 (Division 25.5 (commencing with Section 38500) of
39 the Health and Safety Code).

1 (b) The promotion of economic and job growth in California
2 through workforce development and the encouragement and
3 support of clean technology development and deployment to meet
4 the state's climate change ~~goals~~ *requirements* and greenhouse gas
5 emission reduction targets and limits.

6 (c) The identification of unavoidable climate change impacts
7 to California's natural resources and infrastructure.

8 (d) The development and implementation of mitigation and
9 adaptation plans to protect the natural resources, public health and
10 welfare, and economy of California.

11 (e) The coordination of climate change policies with *state*
12 *agencies and departments*, other states, the federal government,
13 and other nations to identify the most effective strategies and
14 methods to reduce greenhouse gases, adapt to ongoing and future
15 climate change, coordinate climate change research efforts, and
16 facilitate the development of integrated and cost-effective regional,
17 national, and international climate change programs.

18 (f) The coordination and efficient use of existing state resources,
19 programs, and funds to ~~achieve the goals identified in~~ *meet the*
20 *requirements of* this section.

21 71404. The Climate Action Team, under the direction of the
22 Secretary for Environmental Protection, shall do all of the
23 following:

24 (a) Identify and review activities, funding programs, and ~~other~~
25 revenue of state agencies that may be coordinated to meet the ~~goals~~
26 *requirements* of Section 71403.

27 (b) Recommend policies, investment strategies, and priorities
28 to meet the ~~goals~~ *requirements* of Section 71403.

29 (c) Provide information to local governments and regional
30 activities that will assist in addressing the ~~goals~~ *requirements* of
31 Section 71403.

32 71405. (a) Each member of the Climate Action Team may
33 appoint an alternate or designee to attend meetings or hearings of
34 the Climate Action Team in that member's place.

35 (b) Notwithstanding Section 7.5 of the Government Code, each
36 designee shall act as the member in his or her place and stead to
37 all intents and purposes as though the member were personally
38 present, including the right of the designee to be counted in
39 constituting a quorum to participate in any proceeding of the
40 Climate Action Team and to vote upon any and all matters.

1 (c) Each designee shall have the right to represent the member
2 who appointed him or her regardless of the number of other
3 designees representing the chair, director, president, or secretaries,
4 at a particular meeting or session of the Climate Action Team.
5 Each designee shall represent only one member at any meeting or
6 session of the Climate Action Team.

7 (d) The Climate Action Team shall hold duly noticed public
8 meetings and workshops to solicit comments from the public prior
9 to recommending policies, investment strategies, and priorities in
10 accordance with subdivision (b) of Section 71404. *The Climate*
11 *Action Team shall submit these policy recommendations to the*
12 *Senate Committee on Environmental Quality and to the Assembly*
13 *Committee on Natural Resources in accordance with Section 9795*
14 *of the Government Code, and this requirement shall not be*
15 *repealed pursuant to Section 10231.5 of the Government Code. A*
16 meeting of the Climate Action Team, including a meeting related
17 to the coordination of the multiagency efforts to meet the
18 greenhouse gas emission reduction targets and activities related
19 to the California Global Warming Solutions Act of 2006 (Division
20 25.5 (commencing with Section 38500) of the Health and Safety
21 Code), shall be subject to the Bagley-Keene Open Meeting Act
22 (Article 9 (commencing with Section 11120) of Chapter 1 of Part
23 1 of Division 3 of Title 2 of the Government Code). For the
24 purposes of this subdivision, “meeting” does not include a meeting
25 at which the secretaries serving as members of the Climate Action
26 Team are meeting as members of the Governor’s cabinet.